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OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

Marcus Roosevelt Taylor — PETITIONER, pro se.
(Your Name)

vs.

United States of America — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the Fourth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Marcus Roosevelt Taylor, #62930-037
(Your Name)

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OFFICE OF THE CLERK
SUPREME COURT, U.S.

**IN THE
SUPREM COURT OF THE UNITED STATES**

Marcus Roosevelt Taylor- Petitioner, Pro Se.

Vs.

United States Of America, Respondent(S)

**On Petitioner for A Writ Of Certiorari
To The United States Court Of Appeals For The Fourth Circuit**

QUESTIONS PRESENTED

- I. Whether the \$228,304 restitution order infringes upon Marcus Taylors constitutional rights. And sets a dangerous precedent by allowing for the return of drug proceeds to individuals who cooperated with the government and who were charged with drug trafficking offenses, despite their ultimate guilt or innocence.
- II. Whether the restitution order imposed on Mr. Taylor, based on the district court's finding that the recipients of the restitution were "victims" under 18 U.S.C. Section 3663A(a) (2), is warranted and supported when alleged stolen funds were admitted to be drug proceeds by the recipients, Shawn Whiting and Oreeese Stevenson.
- III. Whether the district court erred in its application of restitution statutes by failing to provide clear rules or guidelines for resolving disputes regarding the nature and source of the stolen funds, specifically when the government failed to prove that the funds in question were "untainted" or when federal prosecutors remained silent on the large amounts of kilograms seized from home of Whiting and Stevenson within the superseding indictment?
- IV. Whether the districts court's restitution order violates Mr. Taylor's constitutional rights and due process rights, considering that the recipient of restitution, Oreeese Stevenson, admitted during trial to having cocaine in his home and, as Trial testimony (Doc. 468 at 49-58, trial testimony), and further admitted to possessing approximately 8 kilograms of Cocaine along with United States Currency within his home.
- V. Whether the Fourth Circuit Court of Appeals erred in affirming the restitution order without considering the discrepancy between Mr. Taylor's contention that all alleged funds, property and drugs were drug proceeds, and Mr. Whiting assertion that some of the cash was lawfully earned from his job as a painter.

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IN THE
SUPREM COURT OF THE UNITED STATES

UNITED STATES OF AMERICA,
Plaintiff-Appellee

v.

Marcus Roosevelt Taylor,
Defendant- Appellant, Pro se

Case No.: _____

(Related Case No's.:19-7246 (L); 21-4422
1:17-cr00106-CCB-6)

PETITION FOR WRIT OF CERTIORARI

OPINIONS BELOW

I, Marcus Roosevelt Taylor, respectfully moves that this petition be construed liberally and prays that a writ of certiorari be issued to review the judgement of the opinion of the United States Court of Appeals Fourth Circuit, which is reported and published.

JURISDICTION

The date on which the United States Court of Appeals decided my case was on or about March 10, 2023. An extension of time to file a petitioner for rehearing or rehearing en banc was granted on or about April 4, 2023, Appendix A. A timely petition for rehearing or rehearing en banc was denied by the United States Appeals Court on or about April 28, 2023, Appendix B.

CONSTITUTIONAL AND STATUTORY PRIVISONS INVOLVED

- The Federal Mandatory Victim Restitution Act (MVRA) {18 U.S.C. § 3663}

The restitution order in question was issued under the Federal Mandatory Victim Restitution Act (MVRA), which provides a framework for compensating victims of federal offenses. While the MVRA establishes the avenue for restitution, it is essential to ensure that the restitution order aligns with the principles of justice and fairness. Providing

Restitution for drug proceeds associated with evidence proving that the alleged victim(s) were involved in drug trafficking, is not in line with the principles of MVRA and is prohibited.

- **Civil Forfeiture {18 U.S.C. § 981; 21 U.S.C. § 853; 21 U.S.C .§ 881}**

It provides authority for the government to seize and forfeit property that is involved in or derived from certain illegal activities, including drug offenses.

- **Federal Rules of Criminal Procedure, Rule {32.2}**

Sets out the procedures for forfeiture in criminal case. It outlines the process for determining the extent of the defendant's interest in property subject to forfeiture,

- **Civil Asset Forfeiture Reform Act (CAFRA)**

Establishes the procedures and standards for civil asset forfeiture in federal cases. It provides protections to property owners and imposes certain burdens on the government in forfeiture cases. CAFRA includes provision for innocent owner's to seek the return of their property, if they can demonstrate their lack of involvement in criminal activities.

STATEMENT OF THE CASE

This petition arises from the criminal trial of former Baltimore Police Detectives Marcus Taylor and Daniel Hersl, who were convicted on charges of racketeering offenses and attempted Hobbs Act robbery. While the district court for Maryland sentenced both Mr. Taylor and Mr. Hersl to 18 years of imprisonment, to be followed by 3 years of supervised release, this writ of certiorari challenges the later-imposed restitution order against Mr. Taylor.

The underlying criminal case involved alleged victims Shawn Whiting (January 24, 2014) and Oreese Stevenson (March 22, 2016), who were established to be engaged in large scale drug trafficking activities and obtained drug proceeds. Appendix C

During trial, the alleged victims, Shawn Whiting and Oreese Stevenson, admitted to being arrested with drugs. Despite Stevenson ultimately having his case dismissed based on a suppression hearing in Baltimore City Court and did not face any drug-related offenses, Whiting on the other hand, plead guilty in Federal Court to drug related offenses. But had his case overturned, when he started cooperating with federal prosecutors, against Mr. Taylor.

c. SHAWN WHITING

During the execution of search warrant at Whiting's dwelling approximately \$10,000 was seized by Detective Taylor and was submitted to DEA HIDTA Task Force by BPD TFO Sokolowski, along with 3.7 kilograms of suspected heroin and firearms submitted to Baltimore City Police Department by Detective Taylor and other detectives unrelated to the Gun Trace Task Force case.

d. OREESE STEVENSON

Stevenson had approximately \$100,000 seized from his dwelling and submitted to DEA HIDTA TASK FORCE drop-box by BPD TFO Glover and Detective Taylor. While approximately 8 kilograms of suspected cocaine and firearms were submitted to Baltimore Police Department both Detective Hendrix and Ward. Yet, the superseding indictment contends that \$200,000 was seized from Stevenson's dwelling.

The prosecution sought restitution against Marcus Taylor for alleged drug proceeds amount to approximately \$228,304 for both Whiting and Stevenson, claiming such amount was personal property value.

It is crucial for this Honorable Court to review the questions presented to ensure a fair and just resolution that upholds Mr. Taylor's constitutional rights and addresses the discrepancies and legal errors apparent in the lower court's decisions.

ARGUMENT:

- a. Both Shawn Whiting and Oreese Stevenson were arrested in possession of firearms, kilograms of drugs and drug proceeds as brought forth during Mr. Taylor's trial by both government cooperating witnesses. Regardless, of their guilt or innocence, the presence of such incriminating evidence establishes a substantial connection to drug trafficking activities. Under federal law, the possession of firearms in furtherance of a drug trafficking crime is a serious offense, and the presence of drugs and drug proceeds further supports the inference of involvement in illicit drug-related activities. Thus, returning the drug proceeds as restitution to both individuals would undermine the principles of justice and the effective enforcement of federal drug laws.
- b. Federal law, clearly aims to disrupt and dismantle drug trafficking operations by imposing severe penalties, including the seizure of assets. The restitution order in question, by including the drug proceeds allegedly seized from Whiting and Stevenson, deviates from the intent of federal drug laws. Returning the drug proceeds to these individuals would not only undermine the financial deterrence aspect of drug trafficking statutes but also potentially allow for the reinvestments of illicit funds into further criminal activities, based on their cooperation.

- c. This very own Court has consistently upheld the government's authority to seize and forfeit assets connected to illegal activities, including drug trafficking. Which emphasizes the importance of asset forfeiture as a crucial tool in combating drug-related crimes. Allowing the return of drug proceeds to individuals charged with drug trafficking offenses, when they openly admit to drug trafficking under oath in federal court, regardless of their guilt or innocence, would contravene the established precedent and erode the effectiveness of asset forfeiture laws. Such return would create a perverse incentive for criminals to engage in drug trafficking activities, and cooperate with the federal prosecutors, knowing that they may ultimately recover the financial gains from their illegal operations.
- d. The restitution order, as currently imposed, violates the constitutional rights of Marcus Taylor. It infringes upon his property rights by confiscating and redistributing funds that may not be directly linked to his own criminal conduct that he was unjustly found guilty for. Moreover, allowing for the return of drug proceeds to individuals charged with drug trafficking offenses sets a dangerous precedent that could undermine the integrity of the criminal justice system and fail to adequately deter illicit activities.
- e. A Restitution order may be ordered for lost income, property damage, counseling, medical expenses, funeral costs or other financial costs directly related to the crime of Hobbs Act Robbery. However, losses for pain & suffering or in this case interest in drug proceeds seized/lost/ or stolen are not eligible for restitution.
- f. During Taylor's June of 2018 sentencing ,restitution was never ordered nor was any victim impact statements presented to the Court, in this complex case. In fact, the

trial Court advised that they did not want the alleged victims to be at Taylor's sentencing.

- g. The reasons why this case is complex is because the restitution ordered by the Court for Marcus Taylor to pay, deals with United States Currency seized during an arrest/search and seizure warrant that uncovered vast drugs, firearms, and drug proceeds which was in the possession of two convicted felons Shawn Whiting (January 24, 2014) and Oreese Stevenson (March 22, 2016).
- h. Although, the superseding indictment in this case does not mention the drugs or firearms and only mentions United States Currency taken, the evidence presented at trial of Mr. Taylor and Daniel Hersl narrated that former Specialized Enforcement Section (SES) Detectives and Gun Trace Task Force (GTTF) Detectives employed by the Baltimore City Police Department stole some of the United States Currency located during search warrants and turned in portion to the Baltimore City Police Department into evidence, while also submitting with the drugs and firearms seized.
- i. The alleged victims in this case, Oreese Stevenson and Shawn Whiting, were active participants in drug trafficking activities. The funds seized from their dwelling or alleged to have been stolen during the search warrant are undeniably connected to drug trafficking. Neither Whiting nor Stevenson can substantiate the origin of the currency in question.

It is crucial to consider the inherent nature of drug proceeds and their implications in the context of restitution. Particularly, when it was established that Stevenson was unemployed during the time of his arrest for some time and was not a truck driver, per his child's mother Keona Holloway's trial testimony.

SUPREME COURT PRECEDENT

This very own United States Supreme Court has addressed the unique challenges and legal consideration associated with drug proceeds and restitution orders. In *United States v. Santos*, 553 U.S. 507 (2008), the Court held that “proceeds” under the federal money laundering statute (18 U.S.C. § 1956) refers to profits or gains rather than gross receipts. This limitation acknowledges that returning drug proceeds to victims undermine the goals of justice and sends the wrong message regarding the severity of drug-related offenses.

In addition, in *Caplin & Drysdale, Chartered v. United States*, 491 U.S. 617 (1989) this case involved a challenge to the application of forfeiture law to funds held by attorneys who represented drug traffickers. This Court upheld the government’s interest in preventing the use of drug proceeds, stating that it outweighed the interest of third-party claimants in retaining such funds. While this case pertains to the application of forfeiture laws, it reflects the Courts recognition of the need to prevent the return of drug proceeds to individuals involved in the drug trafficking activities.

UNDERMINING JUSTICE AND PRECEDENT

Granting restitution to alleged victims Oreese Stevenson and Shawn Whiting, for the drug proceeds seized in connection with illicit activities would undermine the principles of justice and contradict established Supreme Court precedents. It is essential to consider the broader societal implication and the message conveyed by the return of unlawfully obtained funds. Or that prosecutors can use the avenue of restitution to seek out cooperating witnesses who would be paid through restitution instead contesting the legitimacy of funds through civil actions.

CONCLUSION

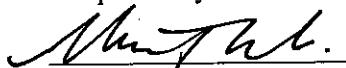
The questions posed to the Court, strike at the core of the federal system and raises significant concerns regarding the fair and equitable application of restitution in criminal cases. The resolution of these questions will have far-reaching implications for law enforcement agencies, defendants, and victims across the United States.

The issues raised in this case have not been adequately addressed or resolved by lower courts, leading to conflicting interpretations and decisions. The resolutions of the questions presented will not only ensure justice for the parties involved but also uphold the principles of the federal system of not returning drug proceeds in the form of restitution to individuals involved in drug trafficking,. In addition, it would protect the constitutional rights of individuals in criminal proceedings.

RELIEF

In light of the aforesaid arguments and supportive Supreme Court case law, I respectfully move the Supreme Court of the United States to review the restitution order issued by the Fourth Circuit Court of Appeals in case number {19-7246(L); 21-4422 (1:17-00106-CCB-6)} and overturn the order requiring former Baltimore Police Department Detective Marcus Taylor to pay restitution to both Whiting and Stevenson, based on evidence brought out in Taylor's and Hersl's trial, that verifies that both Whiting and Stevenson were arrested for their involvement in drug trafficking in Baltimore, Maryland and drug proceeds were unquestionably linked to the kilograms of drugs, firearms, and drug paraphernalia seized within their dwellings.

Respectfully submitted,



Marcus Roosevelt Taylor, 62930-037
Pro se.